

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)
)
 Case No. 1:09-CR-181
v.)
)
 Chief Judge Curtis L. Collier
JESSIE JOHNSON)
)
)

O R D E R

The Court has received a Report and Recommendation (“R&R”) from United States Magistrate Judge William B. Mitchell Carter, recommending Defendant Jessie Johnson (“Defendant”) be found competent to stand trial (Court File No. 747). The magistrate judge conducted a competency hearing on August 24, 2010 (Court File No. 718) addressing Defendant’s motion requesting the Court (1) evaluate and determine his competency to stand trial pursuant to 18 U.S.C. § 4241(d); (2) evaluate issues related to Defendant’s sanity at the time of the alleged offense; and (3) determine whether Defendant suffered from a significantly reduced mental capacity which contributed substantially to the commission of the offense alleged (*see* Court File No. 218). The R&R recommends the Court find Defendant is competent to stand trial and is not currently suffering from a mental disease or defect rendering him incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist properly in his own defense. In regards to the issue of sanity at the time of the alleged offense, the magistrate judge found this issue is one to be determined by the jury. Finally, as to any remaining issue of reduced capacity, the magistrate judge found this is an issue related to sentencing, which should be addressed by the Court if necessary. No objections were filed.

After reviewing the record, the Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's R&R (Court File No. 747), pursuant to 28 U.S.C. § 636(b)(1), and **DETERMINES:**

- (1) Defendant is competent to stand trial;
- (2) The issue of Defendant's sanity at the time of the alleged offense is to be determined by a jury if the matter proceeds to trial; and
- (3) Any remaining issue as to Defendant's reduced capacity is to be determined by the Court at the time of sentencing, if necessary.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE